

**FORT MYERS BEACH
TOWN COUNCIL MEETING
MARCH 15, 2004
Town Hall-Council Chambers
2523 Estero Boulevard
FORT MYERS BEACH, FLORIDA**

I. CALL TO ORDER: The regular meeting of the Fort Myers Beach Town Council was called to order on Monday, March 15, 2004 at 6:30 P.M. by Mayor Dan Hughes.

Members present at the meeting: Mayor Dan Hughes, Councilman Howard Rynearson, Vice Mayor Terry Cain, Councilman Bill Thomas, Councilman Bill Van Duzer.

Excused absence from the meeting: None.

Staff present at the meeting: Theresa Schober, Executive Director of the Mound House, Director of Public Services Matt Feeney, Town Manager Marsha Segal-George, Deputy Town Manager John Gucciardo

II. PLEDGE OF ALLEGIANCE: All those present assembled and recited the Pledge of Allegiance.

III. INVOCATION BY REV. JEANNE DAVIS FROM BEACH UNITED METHODIST:

IV. PUBLIC COMMENT:

V. CONSENT AGENDA:

A. APPROVAL OF MINUTES, February 23, 2004

B. RESOLUTION FOR RUN-OFF ELECTION

C. RESOLUTION URGING CONTINUED FEDERAL PARTICIPATION IN BEACH RENOURISHMENT

TRANSCRIBER'S NOTE: The tape began with a discussion by Mayor Hughes of amendments to the minutes of February 23, 2004, Page 4 of 11. None of the remaining portion of the Consent Agenda was recorded, nor were Items I through IV.

MOTION: Mayor Hughes made a motion to approve the minutes of February 23, 2004 with the following corrections:

On Page 4 of 11, under Item VII.B.1, the wording should be, "The Town Attorney was directed to draft ordinance amendments to change the dates ..."

On Page 5, under Item VII.B.2, the second sentence of the paragraph beginning "Mayor Hughes observed ..." should read "Vice Mayor Cain" instead of "Vice Mayor Hughes."

Motion was seconded by Councilman Rynearson.

VOTE: Motion was approved by unanimous vote.

VI. ADMINISTRATIVE AGENDA:**A. LEE COUNTY SPORTS AUTHORITY OPEN WATER SWIM AWARD:**

Jeff Mielke, Executive Director of the Lee County Sports Authority was introduced by Mayor Hughes. Mr. Mielke recognized the Town for its hard work in the County's sports efforts. He explained that the Lee County Sports Authority is the County's sports development agency and is funded through bed tax collections, with a mission of bringing an annual inventory of events to the community for economic impact and to improve the image of Lee County and all the municipalities within the County. He cited several events over the years that were either located on the Island or have had an impact on Fort Myers Beach. He presented a plaque awarded by USA Swimming to the Town for its partnership with Swim Florida, the Lee County Sports Authority, and the Lee County Parks and Recreation Department for the 2003 Estero Challenge Open Water Swimming Championships. Awards are presented each year, and last year the Estero Open Water Swimming competition was voted the best open water swimming competition in the nation. He recognized the local organizing committee and expressed appreciation to the Town for its efforts. He added that because of the success of this event, 4 new open water national championships have been awarded which will take place this Summer and in 2005, all of which are national competitions leading to world qualifications. Bill Nunez, a volunteer at Swim Florida, was also introduced to provide more details and history about these competitions. He explained that the same people who choose the competition sites from applications submitted are the same ones who choose the Olympic swim team, and he said when they came to inspect the venue they were captivated and impressed by the way this one-day event was conducted. Mr. Nunez invited the group to bid on this year's events, and this is the first time that all 3 championships have been awarded to one location. If this summer's events are successful, Fort Myers Beach could be considered the "headquarters" for open water swimming in this country. Mr. Nunez described summer swim camps that are conducted by this national organization, and also collegiate swim teams who would come to practice and compete here. In the future, perhaps a world championship might be held at Fort Myers Beach. He expressed appreciation for all the support. The weekend of June 3 through 7 will be one of the dates, which Mr. Nunez believes will coincide with Taste of the Beach, and they expect approximately 500 competitors, plus their families, coaches, officials and volunteers. Mr. Mielke presented the plaque designating Fort Myers Beach as the best open water swim competition in the nation.

B. EXTENSION OF ARCHITECTURAL CONTRACT FOR MOUND HOUSE ELECTRICAL UPGRADE:

Theresa Schober, Executive Director of the Mound House, came forward and reported that the work on the Mound House electrical upgrade began today. She said that in the initial contract for the electrical work there was a small budget for consultation by Bob Sanford, the architect involved with this project who is assisting Anchor Engineering. She said Mr. Sanford has become critical to the project and she is requesting to extend the consultation portion of his contract to ensure that the upgrade is completed in accordance with the plans and also the historical significance of the structure.

MOTION: Motion was made by Councilman Rynearson and seconded by Vice Mayor Cain to approve extension of the contract with Bob Sanford of Ferrell Sanford Studios in an amount not to exceed \$2,500.00 for consultation services during the construction phase of this project.

VOTE: Motion was approved by unanimous vote.

C. ANCHORAGE ADVISORY COMMITTEE'S LIVE-ABOARD MOORING SELECTION RECOMMENDATIONS:

Matt Feeney came forward and presented the recommendation from the Anchorage Advisory Committee for assignment of the 10 permanent moorings that were granted by the State under the Submerged Land Lease for permanent live-aboard moorings. In reviewing the lease, the committee determined that there were certain criteria that must be met: (1) To comply with all Coast Guard safety standards and regulations, as well as the regulations set forth in Chapter 327 of the Florida Statutes. (2) Any vessel wishing to use the mooring field would also be required to be in good operating condition and capable of maneuvering under its own power. (3) It must have current registration, and (4) It must have a U. S. Coast Guard approved marine sanitation device. In addition, for these 10 annual live-aboard spots there has been a newspaper ad running since January 2004 to solicit interest in applying for these spots, and 12 responses have been received to date. The Anchorage Committee has developed a weighted lottery system based on longevity in which each resident would have to meet a minimum one-year requirement, and for each additional 3 years that they could prove residency, they would get one additional pull in the lottery. Sworn affidavits would be the criteria used to prove residency in the Bay, and the committee set a deadline of March 31st for responses to be considered for the lottery. Mr. Feeney advised that if Council approves this methodology, the lottery would be held prior to June 1, 2004.

Mayor Hughes called attention to a discrepancy between Mr. Feeney's memo and the attachment, which is the notice being sent to the public. He pointed out that the attachment makes no mention of the marine sanitation device. Mr. Feeney advised that the ad has been running to solicit interest, but another ad can be run setting forth the deadline and the above 4 criteria. Mayor Hughes also referred to the first sentence in Attachment A with respect to a 6 month residency. Mr. Feeney explained that this ad had been running prior to the committee's making this recommendation. Mr. Hughes recommended that the new ad specify that residency must have been continuous for the last year. He also pointed out that there is no requirement for general liability insurance coverage. Mr. Feeney advised that this is an agenda item for the Anchorage Committee at their March 17th meeting, and he expects there will be a recommendation before Council shortly thereafter. Mr. Feeney also stressed that the insurance requirement would be for any vessel wishing to tie up in the mooring field, and not just these 10 live-aboards. This will be a separate recommendation to Council.

MOTION: Motion was made by Vice Mayor Cain and seconded by Councilman Thomas to accept the recommendations of Staff and the Anchorage Advisory Committee to determine the 10 live-aboard moorings by means of a weighted lottery as described above.

VOTE: Motion was approved by unanimous vote.

D. MOORING MATERIAL STORAGE SITE:

Mr. Feeney explained that Lee County has agreed to open the Murphy Oil site to any potential contractor that is selected for installation of the mooring facility to use as a storage facility. A proposed agreement between the Town of Fort Myers Beach and the Lee County Commissioners is presented for Council approval so that this property site could be used as a staging facility. Mr. Feeney advised that this would be significantly beneficial to a contractor, especially one from out of state, and would likely result in reduced costs.

MOTION: Motion was made by Councilman Rynearson and seconded by Vice Mayor Cain to approve the above agreement. Mayor Hughes expressed his appreciation to Lee

County for agreeing to allow the use of the Murphy Oil site for this purpose.

VOTE: Motion was approved by unanimous vote.

E. ABANDONED VESSEL REMOVAL BID:

Mr. Feeney reported that there are currently 3 abandoned vessels in addition to the trawler that has been removed, so bids were advertised and 4 were received. One was a no-bid, one was for the sum of \$30,000.00, one was for \$29,000.00, and one for \$14,000.00. He recommended approval of the lowest responsive bidder, Kelly Brothers, Inc. with a bid amount of \$14,000.00 for the removal of all 3 vessels.

MOTION: Motion was made by Councilman Rynearson to accept Kelly Brothers' bid not to exceed \$14,000.00. Motion was seconded by Vice Mayor Cain.

VOTE: Motion was approved by unanimous vote.

F. POOL UPDATE:

Mr. Feeney reported that he had met with Brian Muncie, the Vice President of Champion Corporation, which currently manages the pool. He reported on the capital improvements since last year, including upgraded lockers, lifeguard chairs, and a current bid which is out for additional umbrellas. Pool staff is recommending that a pool misting system, which was approved as a capital improvement project for this year at an estimated cost of \$5,000.00, not be purchased and a portion of the funds used instead towards purchasing movable lifeguard umbrella chairs. It was also proposed to increase the entry fee by \$1.00 to cover the cost of future capital improvements. Mr. Feeney advised that the above had been approved by Council on September 8th, 2003 and Town and Pool Staff are requesting to enact this increase subject to the restriction that the \$1.00 increase be directed toward a specific improvement project, with progress posted on a monthly basis on the pool bulletin board for all to see. He also provided a synopsis of possible future capital improvements such as a heater for the kiddie pool and resurfacing the water slide.

Deputy Town Manager John Gucciardo advised that Council has already voted on the concept, and that what is required is direction from the Council to attach the condition regarding monitoring the additional \$1.00 fee.

MOTION: Motion was made by Councilman Rynearson and seconded by Councilman Van Duzer.

VOTE: Motion was approved by unanimous vote.

VII. COUNCIL MEMBER ITEMS AND REPORTS:

Councilman Van Duzer presented a letter dated March 10th to Town Manager Marsha Segal-George regarding the Town's financial support of the Lee County MPO and requesting that they be notified by April 16th of Council's determination. The amount is \$849.00 which is the Town's annual dues. Ms. Segal-George and the other Council members indicated they had not seen the letter, and Mr. Van Duzer reported that he has received it on March 12th. Mr. Gucciardo observed that there would be additional Council meetings prior to the April 16th deadline. Ms. Segal-George advised that if this is the annual dues, it is a budgeted item.

MOTION: Motion was made by Councilman Van Duzer and seconded by Councilman Rynearson to pay the Town's annual contribution to the MPO.

VOTE: Motion was approved by unanimous vote.

Councilman Van Duzer explained that the budget which comes from local government entities is \$61,868.00 and the above amount is the Town's share, based on population.

Mr. Van Duzer will be leaving for Tallahassee in the morning and will attempt to secure State transportation funds to alleviate traffic problems.

Vice Mayor Cain called attention to the nominees for the John Mulholland Stewardship Award for 2004. She explained that 3 are chosen each year and will have their names included on a plaque.

MOTION: Motion was made by Vice Mayor Cain to approve the recipients for the Mayor John Mulholland Stewardship Award, which are the Beach Elementary School 5th Grade Class, Turtle Time, Inc., and the Friends of the Matanzas Pass Preserve. She described the efforts of the 5th grade class as part of the Jiminy Cricket Environmental Challenge which resulted in 2 cleanup days of cigarette butts, placing of biodegradable trash cans on the beach, and joining with Keep Lee County Beautiful's Adopt-A-Beach Program. Motion was seconded by Councilman Rynearson.

VOTE: Motion was approved by unanimous vote.

Ms. Cain reported that an airboat has been seen in the southern part of the Bay. She asked whether Staff could write a letter to Bonita Springs, including the Town's ordinance, calling attention to issues the Town has had with airboats in the back bay. Mayor Hughes determined that there were no objections and directed Staff to write such a letter.

Ms. Cain reported that the Scouts are having a derby April 16th and are asking permission to have it in the public area of Times Square. She described the gravity-driven carts and how the track would be aligned. There was unanimous consensus to grant this request.

She reported attending the Policy Committee of the Charlotte Harbor National Estuaries Program meeting this date. She has information about what was covered at the meeting in the event anyone is interested. Ms. Segal-George added that some grants were received, and Ms. Cain advised that a mini grant was approved for the Mound House.

Councilman Thomas offered congratulations to Mr. Don Massucco who has been elected as the new Councilman and welcomed him to the staff.

Councilman Rynearson reported that the Offshore Races have been cancelled, and his will cause economic losses to the Beach. Negotiations are in process for next year. Mayor Hughes expressed his disappointment and reported on his conversation with Dean Claussen. The organization was \$50,000.00 short of their budget of \$210,000.00. Mayor Hughes expressed regret that the business community did not support the races, and suggested that TDC funds could be transferred. Ms. Segal-George was unsure that this would be possible a second time and pointed out that TDC funds are for advertising, whereas the offshore races probably require unrestricted funds.

Mayor Hughes referred to the agreement to consolidate the Town Manager's compensation which was approved at the February 23rd meeting and said a motion is required to codify the action previously taken by Council.

MOTION: Motion was made by Mayor Hughes and seconded by Councilman Van Duzer.

VOTE: Motion was approved by unanimous vote.

Mayor Hughes reported that on Sunday he attended the Fort Myers Beach Art Association Spring Juried Show at their invitation, and he was honored to award the prizes to the various artists. The judge was Carl Schwartz, a well-known artist and printmaker. He recommended that everyone take the opportunity to view this show until April 2nd at the Art Association office on Donora and Mound Key. This is the first year in which the Town has sponsored this event and is acknowledged in the program as a co-sponsor, and the organization expressed its appreciation to Council.

The annual St. Patrick's Day Parade will be held on Wednesday, and everyone was encouraged to participate.

There will be a Southwest Florida League of Cities meeting on Thursday.

Mayor Hughes reminded the public that there will be public hearings on the Newton Beach Park tomorrow at the LPA meeting at noon. This will involve the rezoning and also historical designation.

Mr. Hughes made his annual State of the Town address to the Chamber of Commerce last Thursday and was pleased to announce that he was awarded his first honorary degree of "B.S." awarded by the Fort Myers Beach Chamber of Commerce.

VIII. TOWN MANAGER'S ITEMS: None.

IX. TOWN ATTORNEY'S ITEMS: None.

X. PUBLIC COMMENT: None.

XI. ADJOURNMENT: Meeting was adjourned at 7:25.

Respectfully submitted,

Patricia L. Middlekauff
Transcribing Secretary